

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

IN RE:	)	
	)	
TRI-CITY COMMUNITY	)	Chapter 11 Case
ACTION PROGRAM, INC.,	)	No. 15-11569-JNF
	)	
Debtor.	)	
	)	
TRI-CITY COMMUNITY	)	
ACTION PROGRAM, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adversary Proceeding
	)	No. 17-01035-JNF
PHILIP BRONDER-GIROUX, and	)	
ANN HOWSER,	)	
	)	
Defendants.	)	
	)	

**JOINT MOTION TO APPROVE  
PROPOSED DISCOVERY PLAN AND RULE 26(f) CERTIFICATION**

Plaintiff Tri-City Community Action Program, Inc., by and through the Official Committee of Unsecured Creditors (the “Committee”), and defendants Philip Bronder-Giroux, individually and in his capacity as an officer and director of the Debtor (“Bronder-Giroux”) and Ann Howser, individually and in her capacity as an officer of the Debtor (“Howser”) (together, the “Parties”) hereby ask that this Court approve this Proposed Discovery Plan and Rule 26(f) Certification, set forth herein. This discovery plan constitutes a change from that set forth in the Court’s Pretrial Order dated May 30, 2017. The changes are necessary to accommodate the amount of discovery and preparation necessary to prepare for trial and to account for the vacation schedules of counsel.

In support of this Motion, the Parties state as follows:

1. On April 23, 2015 (the “Petition Date”) the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). Since that time, the Debtor has continued in the possession of its assets and in the management of its business as a debtor-in-possession pursuant to Bankruptcy Code §§ 1107 and 1108.

2. On June 5, 2015, the United States Trustee appointed the Committee. On April 12, 2017, this Court entered an order authorizing the Committee to, *inter alia*, commence and prosecute any and all claims and causes of action that the Debtor holds as and against the Defendants, including, without limitation, all claims and causes of action arising under state and federal law, including those claims and causes of action arising under the Bankruptcy Code.

3. On April 21, 2017, the Committee filed an adversary complaint against the Defendants pursuant to 11 U.S.C. §§ 101-1330 of the Bankruptcy Code and Rule 7001 of the Federal Rules of Bankruptcy Procedure (the “Adversary Complaint”).

4. On May 30, 2017, the Court issued a Pretrial Order (the “Pretrial Order”).

5. On July 5, 2017, the Parties held a Rule 26(f) Conference to discuss matters set forth in the Pretrial Order.

6. Pursuant to the Parties Rule 26(f) conference, pending approval by the Court, the parties submit their proposed Discovery Plan and Rule 26(f) Certification (the “Discovery Plan”) as set forth herein.

7. The Parties state that the requested changes to the Pretrial Order will not prejudice any party, nor will it result in any added burden on the Court.

**DISCOVERY PLAN**

**A. Initial Disclosures**

The Parties shall exchange initial disclosures on or before July 21, 2017.

**B. Joint Proposed Discovery and Pre-Trial Schedule**

(a) Deadline for the completion of all party and non-party fact discovery:  
November 20, 2017;

(b) Deadlines for Expert Reports and Depositions (if any):

(i) For the Plaintiff's Expert Report: December 20, 2017;

(ii) For the Defendant's Expert Report: January 19, 2018;

(iii) All expert depositions must be noticed and completed by March 20, 2018;

(c) Summary Judgment: Any summary judgment motions to be filed by April 20, 2018;

(d) Joint Pretrial Memorandum. The date for filing a Joint Pretrial Memorandum shall be set by the Court after decision on any summary judgment motions. If no summary judgment motions are filed by April 20, 2018, then the parties request that the Court issue an order setting a date for submission of a pre-trial memorandum at that time. The Joint Pretrial Memorandum shall include those subject matters identified in paragraph 5 of the Court's May 30, 2017 Scheduling Order.

WHEREFORE, Parties respectfully request that this Court enter an Order allowing this Motion and approving the Discovery Plan and Rule 26(f) Certification.

**The Official Committee of Unsecured  
Creditors of Tri-City Community Action  
Program, Inc.  
By its counsel,**

By its attorneys,

/s/ Jesse I. Redlener  
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**PHILIP BRONDER-GIROUX**

By his attorneys,

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**ANNE HOWSER**

By her attorneys,

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_____	)	

**CERTIFICATE OF SERVICE**

I, Jesse I. Redlener, of Ascendant Law Group, LLC, do hereby certify that on the 17th day of July 2017, I served a copy of the within ***Motion to Approve Proposed Discovery Plan and Rule 26(f) Certification*** through the ECF system to registered participants.

/s/ Jesse I. Redlener  
Jesse I. Redlener